

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ABBOTT DIABETES CARE INC. and
ABBOTT LABORATORIES,

CASE NO. C05-3117 MJJ

Plaintiffs,

VS.

ROCHE DIAGNOSTICS CORPORATION
and BAYER HEALTHCARE LLC

**STIPULATED REQUEST FOR ORDER TO
SHORTEN TIME ON ABBOTT'S MOTIONS
FOR CONTINUANCE**

AND [REDACTED] ORDER

Defendants.

Pursuant to Civil Local Rule 6-2, the parties jointly submit this stipulation and request for an order to shorten time for hearing of Abbott's motions filed on October 23, 2006 for continuance of Defendants' summary judgment submissions. Abbott's motions for continuance are noticed for hearing on November 28. The parties jointly request that Abbott's motions for continuance be considered on November 14 together with the Defendants' motions for summary judgment, which are presently scheduled to be heard on that date.

STIPULATION TO SHORTEN TIME AND
[REDACTED] ORDER

1 DATED: October 27, 2006

2 BARNES & THORNBURG LLP

3 /s/ Jonathan Froemel
4 Jonathan Froemel

5 ATTORNEYS FOR DEFENDANT ROCHE
6 DIAGNOSTICS CORPORATION

7 DATED: October 27, 2006

8 MORRISON & FOERSTER

9 /s/ Jason Bartlett
10 Jason R. Bartlett

11 ATTORNEYS FOR DEFENDANT BAYER
12 HEALTHCARE LLC

13 DATED: October 27, 2006

14 BAKER BOTTS L.L.P.

15 James W. Cannon, Jr.

16 ATTORNEYS FOR PLAINTIFFS ABBOTT
17 DIABETES CARE INC. AND ABBOTT
18 LABORATORIES

20 STIPULATION TO SHORTEN TIME AND
21 ORDER

DATED: October 30, 2006

BARNES & THORNBURG LLP

Jonathan Froemel

ATTORNEYS FOR DEFENDANT ROCHE
DIAGNOSTICS CORPORATION

DATED: October 30, 2006

MORRISON & FOERSTER

Jason R. Bartlett

ATTORNEYS FOR DEFENDANT BAYER
HEALTHCARE LLC

DATED: October 30, 2006

BAKER BOTTS L.L.P.

James W. Cannon, Jr.

ATTORNEYS FOR PLAINTIFFS ABBOTT
DIABETES CARE INC. AND ABBOTT
LABORATORIES

**STIPULATION TO SHORTEN TIME AND
[REDACTED] ORDER**

1
2 [REPOSED] ORDER SHORTENING TIME
3

4 Having considered the parties stipulation set forth above and for good cause
5 shown, the November 28, 2006 hearing on Abbott's motions for continuance of Bayer and
6 Roche's motions for summary judgment of laches is hereby VACATED, and the motions are
7 RESET for hearing on November 14, 2006 at 9:30 a.m.. Abbott's motion will be considered
8 together with Bayer and Roche's noticed motions for summary judgment regarding laches.
9 Abbott shall file any reply in support of its motion for continuance no later than October 31,
10 2006.

11
12
13
14 Dated: 10/31/2006

15 By: *Martin J. Jenkins*
16 Honorable Martin J. Jenkins
17 UNITED STATES DISTRICT JUDGE
18
19
20
21
22
23
24
25
26
27
28

STIPULATION TO SHORTEN TIME AND
[REPOSED] ORDER